

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**FABIAN JONES and
JERMAINE HALL,**

Defendants.

8:13CR411

ORDER

This matter is before the court on the motion to continue by defendant Fabian Jones (Jones) (Filing No. 40). Jones seeks a continuance of the trial scheduled for January 27, 2014. Jones has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Jones consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 41). Jones' counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted as to both defendants.

IT IS ORDERED:

1. Jones' motion to continue trial (Filing No. 40) is granted.
2. Trial of this matter as to both defendants is re-scheduled for **February 24, 2014**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 7, 2014, and February 24, 2014**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 7th day of January, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge